

**REMARKS**

Claims 24-27, 35-39, and 56-57 are currently pending in this application. Claims 1-23 and 28-34 have been canceled without prejudice and Applicant reserves the right to pursue the claims in a continuation application. Claims 40-55 have been withdrawn. By this Amendment, claims 1-23 and 28-34 are cancelled, claims 24, 35, and 37 have been amended, and new claims 56 and 57 have been added. The amended claim set is provided herewith.

**§ 112 Rejection of the Claims**

Claims 1-20, 22-33, 37 and 38 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Response:** Claims 1-20, 22-23, and 28-33 have been canceled by this Amendment, thereby rendering as moot the outstanding rejections with respect to those claims.

Claim 37 has been amended to depend directly from claim 35, thereby removing the outstanding rejection. Claim 38 depends from claim 37 and the rejection has similarly been addressed. Withdrawal of this rejection is respectfully requested.

With respect to claim 24, "it" has been changed to "the flat paddle". The use of "such as" has been replaced with "connective tissue including" for the purpose of clarity. Withdrawal of this rejection is respectfully requested.

With respect to claim 25, Applicant submits the claim is definite as written. The claim as written encompasses both situations, either singly or in combination, described by the Examiner, that being the plurality of ribs can be a separate element or the at least one rib is further modified to include a plurality of ribs. Withdrawal of this rejection is respectfully requested.

**§ 103 Rejection of the Claims**

All claims standing rejected under 35 U.S.C. 103 have been canceled by this paper, thereby rendering as moot all rejections. Applicant will address the outstanding rejections if the claims are presented in a future application.

**Allowable Subject Matter**

The Examiner stated that claims 35, 36, and 39 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner also stated that claims 23-27, 37, and 38 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in the office action and to include all of the limitations of the base claim and any intervening claims.

**Response:** Applicant submits that all the claims indicated as allowable are in condition for allowance by either amendment or traverse of the applicable objection and/or rejection.

**New Claims**

Claims 56 and 57 have been added. Claim 56 contains the same limitations as canceled claim 23 written in independent form. Claim 23 was indicated as allowable subject matter in the Office Action. Claim 57 depends from and further limits claim 56.

**Conclusion**

In view of the foregoing amendments, Applicant respectfully requests reconsideration and allowance of the claims as all rejections have been overcome. Early notice of allowability is kindly requested.

The Examiner is respectfully requested to contact the undersigned by telephone at 763.505.0405 or by e-mail at rick.l.franzen@medtronic.com with any questions or comments.

Please grant any extension of time, if necessary for entry of this paper, and charge any fee due for such extension or any other fee required in connection with this paper to Deposit Account No. 13-2646.

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Respectfully submitted,

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